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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,589

05/03/2005

James A Proctor JR.

080588

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23696 7590 11/27/2009  
QUALCOMM INCORPORATED  
5775 MOREHOUSE DR.  
SAN DIEGO, CA 92121

EXAMINER

THIER, MICHAEL

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

11/27/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com  
kascanla@qualcomm.com  
nanm@qualcomm.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,589	<b>Applicant(s)</b> PROCTOR ET AL.	
	<b>Examiner</b> MICHAEL T. THIER	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42-44, 54-56 and 63-65 is/are allowed.
- 6) ☒ Claim(s) 1-13, 18-30, 35-41, 45-49, 57, 58, and 66 is/are rejected.
- 7) ☒ Claim(s) 14-17, 31-34, 50-53 and 59-62 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/23/2009</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's amendments filed 9/4/2009 have been considered but do not place the application in condition for allowance as argued by applicant. The arguments have been considered and are moot in view of the new ground(s) of rejection. The examiner would like to note that the claims that had previously been objected to have not been entirely added into the independent claims, and for this reason the scope of the claims has changed and a final rejection is provided below. The newly added limitations are related to the objected claims but are not the limitations from the objected claims. Please see the following rejection for an explanation on how the newly added limitations are interpreted and rejected by the previously cited prior art.

### ***Claim Objections***

2. Claims 17 and 34 are objected to because of the following informalities: Claims 17 and 34 recite "the maximum value", however prior to this recitation there is no mention of a maximum value. Antecedent basis is lacking and appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2617

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5-11, 13, 18, 22-28, 30, 36-37, 38-41, 46, 48, 49, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trench (US 5697052) in view of Lusky et al. (US 7315573) in further view of Leslie et al. (US 6404755).

**Regarding claims 1, 18, 48, and 57.** Trench teaches a method and apparatus for detecting the presence of a signal on one of at least two frequency channels in a frequency translating repeater for use in wireless local area network (WLAN) operating according to a protocol, (abstract) the apparatus comprising:

a radio frequency interface; (figure 7 item 100)

a processor; (figure 7 item 71) and

a memory coupled to the processor and the radio frequency interface, (figure 7 item 71, micro processor, further column explains the micro processor can be programmed to scan specific channels, thus having an included memory, further see figure 7 item 80 which is a control computer which inherently has included memory) the memory containing instructions for causing the processor to:

establish a first threshold associated with a first of the at least two frequency channels and a second threshold associated with a second of the at least two frequency channels; (column 5 lines 25-26 explains that threshold sensing circuits can be included in the level detector in order to detect signals. He does not specifically recite a first and second threshold, however, he does recite threshold sensing circuits (plural), and therefore it can easily be understood by one of ordinary skill in the art that a threshold for each channel to be scanned can be established.)

Art Unit: 2617

monitor the first and second frequency channels to detect the signal thereon in accordance with a first detection mode including the first threshold and the second threshold; (column 2 lines 42-45, column 4 lines 17-22 and column 5 lines 25-26, i.e. the processor scans a plurality of channels to detect a signal, the apparatus can utilize threshold sensing circuits to aid in detecting the signal.)

and refining at least one of a first or a second criteria based upon a threshold event. (column 5 lines 25-26, threshold sensing circuits can be included in the level detector and the amplitude information from the threshold sensing circuit is coupled to the microprocessor to control the computer for steering the beam in the antenna array, thus the beam position (i.e. first criteria) is refined based on the amplitude from the threshold sensing circuit).

However, Treatch does not specifically disclose the idea of qualifying, if the signal is detected, to determine whether the detected signal is a wanted signal or an unwanted signal.

Lusky teaches a channel monitoring method and apparatus (title and abstract). He teaches the idea of determining whether the detected signal is a wanted signal or an unwanted signal in column 10 lines 5-22. He explains that the detection method identifies noise by inspecting an input signal's energy as a function of time. Since the system can clearly identify noise, which is an unwanted signal, it clearly can determine if the detected signal is wanted or unwanted (i.e. if it is or is not noise).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Lusky with the teachings of Treatch. The

Art Unit: 2617

motivation for doing so would have been to allow for a system that can analyze channel impairments and determine optimal parameters. (Lusky column 2 lines 65-67)

However, they do not specifically disclose wherein the qualifying comprises measuring an elapsed time associated with the detected signal, if the detected signal is the wanted signal.

Leslie teaches in column 26 lines 15-26 the idea of setting a response timer when a signal is received to await a response. therefore, the received signal is clearly a wanted signal and the response timer is set based on that signal being received, thus reading on measuring an elapsed time associated with the detected signal.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings as in Leslie with the teachings as in Treatch and Lusky. The motivation for doing so would have been to allow for a system that can efficiently retransmit received signals.

**Regarding claims 5 and 22.** Treatch further teaches wherein the instructions further cause the processor to refine the first threshold and the second threshold if no signal is detected. (column 5 lines 25-26, threshold sensing circuits can be adjustable)

**Regarding claims 6 and 23.** Treatch further teaches wherein the first detection mode includes an analog detection mode, not involving the processor directly. (column 5 lines 23-25)

**Regarding claims 7 and 24.** Lusky further teaches the idea of recording information if the signal is an unwanted signal in column 5 lines 44-47. He explains the idea of monitoring and recording any noise. (i.e. noise is an unwanted signal)

**Regarding claims 8 and 25.** Treatch further teaches wherein the instructions further cause the processor to disable a transmission of the signal over the radio frequency interface if the detected signal is determined to be the unwanted signal. (column 10 lines 5-22, detect if the signal has noise or some unwanted signal, the system will not repeat the noise)

**Regarding claims 9 and 26.** Treatch further teaches wherein the instructions further cause the processor to refine the first and the second threshold using the recorded information. (column 5 lines 25-26, the threshold sensing circuits allows for this limitation to be understood from the Treatch reference.)

**Regarding claims 10 and 27.** Treatch further teaches wherein the instructions further cause the processor to monitor the first and second frequency channels to detect a signal thereon in accordance with a second detection mode including the first threshold and the second threshold when the detected signal is detected. (column 5 lines 23-25, the first mode is the analog detection (i.e. capacitor), the second mode is the threshold sensing circuits performing the detection explained in column 5 lines 25-26)

**Regarding claims 11 and 28.** Treatch further teaches wherein the second detection mode includes a digital detection mode. (column 4 lines 17-22, i.e. the micro processor scans and detects signals, thus being a digital detection mode)

**Regarding claims 12 and 29.** Treatch further teaches wherein the instructions further cause the processor to override the first detection mode with a second detection mode. (par. 46, the first mode is the analog detection explained in column 5 lines 23-25,

Art Unit: 2617

the second mode is the threshold sensing circuits explained in column 5 lines 25-26, the micro processor can perform detection (as explained in column 4 lines 17-22), thus being done after the first detection mode, i.e. overriding)

**Regarding claims 13, 30, 49, and 58.** Leslie teaches this limitation in column 26 lines 15-26. (i.e. setting a timer when the signal is received and enabling transmission of the detected signal in accordance with an override mode)

**Regarding claim 38.** Treatch further teaches a detection unit associated with each of the at least two frequency channels. (figure 7 item 106)

**Regarding claim 39.** Treatch teaches wherein the detection unit includes at least one of: a diode detector at an intermediate frequency (IF), a diode detector at a base band frequency, a matched filter at the IF, a matched filter at a radio frequency (RF). (figure 7 item 106)

**Regarding claim 40.** Treatch further teaches a converter to digitize the signal to form a digitized signal and wherein the detector unit is further configured to detect the digitized signal. (figure 7 item 108)

**Regarding claim 41.** Lusky further teaches wherein the detection unit is further configured to: compare a power level associated with the signal; monitor the signal over a time interval to determine a noise estimate; and comparing the current signal power to this estimate as part of the detection process. (column 6 lines 52 to column 7 line 7)

**Regarding claim 46.** Treatch further teaches wherein the detection unit is further configured to monitor the at least two frequency channels at the same time. (column 4 lines 17-22) Lusky teaches detecting noise in operating channels column 5



Art Unit: 2617

lines 44-47. The combination reads on the limitations of this claim.

5. Claims 2 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treatch (US 5697052) in view of Lusky et al. (US 7315573) and Leslie et al. (US 6404755) in further view of Sumi (US 4081752).

**Regarding claims 2 and 19.** Treatch, Lusky, and Leslie teach the limitations of the previous claims.

However they do not specifically disclose the idea of using saw tooth process to determine thresholds.

Sumi (US 4081752) teaches at column 24 lines 38-46 the idea of using a saw tooth control for establishing thresholds (i.e. maximum frequency using saw tooth control).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Sumi with the teachings of Treatch, Lusky, and Leslie. The motivation for doing so would have been to allow for utilizing a well known technique to improve the scanning operation of the receiver. (Sumi column 3 lines 28-35)

6. Claims 3-4 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treatch (US 5697052) in view of Lusky et al. (US 7315573) and Leslie et al. (US 6404755) in further view of Peterson (US 6574198).

**Regarding claims 3 and 20.** Treatch, Lusky, and Leslie teach the limitations of

Art Unit: 2617

the previous claims.

However, they do not specifically disclose wherein the instructions further cause the processor to add a delay to the signal after the signal is detected, and wherein a detection bandwidth associated with the monitoring is less than a group delay associated with the signal.

Peterson teaches at column 5 lines 4-18, the idea that a delay timer is set less than a time out period, to signify the loss of a signaling link, and thus clearly teaches adding a delay to a signal after it is detected.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Peterson with the teachings of Treatch, Lusky and Leslie. The motivation for doing so would have been to allow for a simple technique to signify when a signaling link has been lost. (Peterson column 5 lines 4-18)

**Regarding claims 4 and 21.** Peterson teaches at column 5 lines 4-18, the idea that a delay timer is set less than a time out period, to signify the loss of a signaling link.

7. Claims 35-36 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treatch (US 5697052) in view of Lusky et al. (US 7315573), and Leslie et al. (US 6404755), in further view of Irving et al. (US 6163276).

**Regarding claim 47.** Treatch and Lusky teach the limitations of the previous claim 41.

However, they do not teach the idea of the converter being under sampled to monitor noise.

Art Unit: 2617

Irving teaches this limitation in column 4 lines 43-55.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings as in Irving with the teachings as in Treatch, Lusky, and Leslie. The motivation for doing so would have been to provide a simple and cost effective way of detecting the noise in a received signal.

**Regarding claim 35.** Irving teaches an IF unit, capable of down-converting the signal on an RF band and selecting one of the first and the second frequency channels for transmission. (figure 3 item 104)

**Regarding claim 36.** Irving teaches wherein the IF unit is configured to filter the down converted signal. (figure 3 items 112, 114, 116)

8. Claims 37 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treatch (US 5697052) in view of Lusky et al. (US 7315573) and Leslie et al. (US 6404755) in further view of Irving et al. (US 6163276) and Weaver, Jr. et al. (US 6108364).

**Regarding claim 37.** Treatch, Lusky, Leslie and Irving teach the limitations of the previous claims.

However, they do not specifically disclose wherein the IF unit is configured to add a delay to the down converted signal during a period the signal is not detected and prior to enabling a transmission.

Weaver, Jr et al. teaches wherein the IF unit is configured to add a delay to the down converted signal during a period the signal is not detected and prior to enabling a

Art Unit: 2617

transmission. (see figure 4 item 176)

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Weaver Jr. with the teachings of Treatch and Lusky, Leslie and Irving. The motivation for doing so would have been to allow for using a simple and well known technique for adding delay. SAW filters allow for a simple and effective way of adding several hundred nanoseconds to tens of microseconds at the cellular frequency. (Weaver Jr. column 10 lines 40-45)

**Regarding claim 45.** Weaver, Jr et al. teaches in column 6 lines 35-40 and column 10 lines 40-42 the use of a SAW filter to add a delay.

9. Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treatch in view of Lusky and Leslie as applied to claim 1 above, and further in view of Rog et al. (US 6441781).

**Regarding claim 66.** Treatch, Lusky, and Leslie teach the limitations of the previous claim 1.

However, they do not teach the idea that the thresholds are established based upon a probability of a false detection of the signal.

Rog teaches a method and system to detect signals (abstract, i.e. fast search to detect strong signals). He teaches in column 3 lines 52-59 the idea that the process of searching for a signal using a given detection threshold, which is determined from the probability of false alarm. He further explains this in column 11 lines 13-19.

Therefore it would have been obvious for one of ordinary skill in the art at the

Art Unit: 2617

time of invention to utilize the teachings as in Rog, with the teachings as in the combination of Treatch, Lusky, and Leslie. The motivation for doing so would have been to allow for decreasing the time when searching for signals (Rog column 6 lines 31-34).

### ***Allowable Subject Matter***

10. Claims 14-17, 31-34, 50-53, and 59-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 42-44, 54-56, and 63-65 are allowed over the prior art of record.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2617

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. THIER whose telephone number is (571)272-2832. The examiner can normally be reached on Monday thru Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick N. Edouard/  
Supervisory Patent Examiner, Art Unit 2617

/MICHAEL T THIER/  
Examiner, Art Unit 2617  
11/16/2009